

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMI ENTERTAINMENT WORLD, INC.,

Plaintiff,

- against -

KAREN RECORDS, INC., ET AL.,

Defendants.

1:05-cv-00390-RJH-JCF

ORDER

The Court is in receipt of defendants' letter of April 9, 2009, which suggests there is a typographical error in the conclusion of the Court's March 27, 2009 Memorandum Opinion and Order. The Court disagrees. The Opinion's conclusion accurately expresses the Court's understanding of Karen's liabilities.

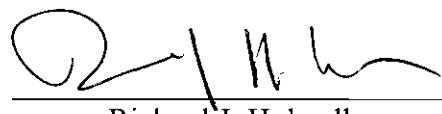
While Karen acquired mechanical licenses to *Cuando Acaba el Placer, Corazón Partío*, and *Fuiste Mia un Verano* that lasted until November 25, 2004, Karen is retroactively liable for sales of those compositions (i) that occurred within the limitations period, and (ii) for which it did not pay a statutory royalty. As noted earlier in the Opinion:

Once a rightsholder terminates a license, the licensee becomes liable for *all* production or distribution for which it did not pay a statutory royalty. In the words of the statute, "termination renders either the making or the distribution, or both, of *all phonorecords for which the royalty has not been paid*, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506 and 509." § 115(c)(6).

EMI Entertainment World, Inc. v. Karen Records, Inc., — F. Supp. 2d —, 2009 WL 805264, at *2 (S.D.N.Y. Mar. 27, 2009) (emphasis added). Accordingly, Karen's request that point (iii) of the conclusion be amended is denied.

SO ORDERED.

Dated: New York, New York
April 10, 2009



Richard J. Holwell
United States District Judge